

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 23, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)

Members Excused: Rep. Ellie Boldman Hill (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. G. Bruce Meyers (R)
Rep. Keith Regier (R)
Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 581, 2/20/2015; HB 583, 2/20/2015; HB 584, 2/20/2015
Executive Action: HB 397, HB 398, HB 443, HB 444, HB 445, HB 446, HB 492, HB 497, HB 505, HB 533, HB 581, HB 583, HB 584

00:01:06 Chair J. Bennett

HEARING ON HB 581

Opening Statement by Sponsor:

00:01:45 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 581, Generally revise landlord holdover remedies.

Proponents' Testimony:

00:03:17 John Sinrud, Self

EXHIBIT(juh41a01)

00:03:49 Rep. MacDonald joined the meeting.

00:05:18 Rep. Hill joined the meeting.

00:05:43 Rick Linafelter, Montana Landlords Association (MLA)

00:06:16 Bill Staffeldt, Helena Chapter of the Montana Landlords Association (MLA)

00:07:55 Rep. Wagoner joined the meeting.

00:09:38 Dennis Keaster, Helena Chapter of the Montana Landlords Association (MLA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:12:34 Rep. McConnell

00:13:13 Bill Staffeldt, MLA

00:13:25 Rep. McConnell

00:13:35 Bill Staffeldt, MLA

00:14:39 Rep. McConnell

00:15:18 Rep. Lavin

00:15:53 Rep. MacDonald

00:16:14 John Sinrud, Self

00:17:20 Rep. MacDonald

00:17:43 Rick Linafelter, MLA

00:18:38 Rep. Court

00:19:11 Rep. Lavin

00:19:35 John Sinrud, Self

00:20:14 Rep. Court

00:20:33 John Sinrud, Self

00:22:22 Rep. Manzella

00:23:19 Rick Linafelter, MLA

00:25:07 Rep. Doane

00:25:34 Rick Linafelter, MLA

00:25:49 Rep. Doane

00:25:55 Rick Linafelter, MLA

00:26:44 Rep. Kelker

00:27:29 Bill Staffeldt, MLA

00:28:40 Rep. Fiscus

00:28:42 Rep. Pease-Lopez joined the meeting.

00:29:21 Bill Staffeldt, MLA
00:33:35 Rep. MacDonald
00:34:10 Rep. Lavin
00:34:22 Rick Linafelter, MLA

Closing by Sponsor:

00:34:58 Rep. Lavin

HEARING ON HB 584

Opening Statement by Sponsor:

00:35:33 Rep. Randall Pinocci (R), HD 19, opened the hearing on HB 584, Revising retaliatory conduct laws related to landlords and tenants.

Proponents' Testimony:

00:35:55 John Sinrud, Montana Landlords Association (MLA)
00:37:21 Rick Linafelter, Montana Landlords Association (MLA)
00:37:45 William Staffeldt, Self

EXHIBIT(juh41a02)

00:44:53 Steve Cichon, Self
00:46:00 Robert Kolar, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:46:36 Rep. Pinocci

HEARING ON HB 583

Opening Statement by Sponsor:

00:47:20 Rep. Randall Pinocci (R), HD 19, opened the hearing on HB 583, Revise laws with respect to protecting property rights.

Proponents' Testimony:

00:48:58 Dan Happel, Self

[EXHIBIT\(juh41a03\)](#)

[EXHIBIT\(juh41a04\)](#)

[EXHIBIT\(juh41a05\)](#)

[EXHIBIT\(juh41a06\)](#)

[EXHIBIT\(juh41a07\)](#)

[EXHIBIT\(juh41a08\)](#)

[EXHIBIT\(juh41a09\)](#)

[EXHIBIT\(juh41a10\)](#)

[EXHIBIT\(juh41a11\)](#)

[EXHIBIT\(juh41a12\)](#)

[EXHIBIT\(juh41a13\)](#)

01:07:44 Rick Linafelter, Self

01:09:37 Bill Staffeldt, Self .

01:11:47 Sharon Lodge, Bozeman Chapter of the Montana Landlords Association (MLA)

01:12:36 Debbie Brisco, Self

01:16:47 Robert Kolar, Self

01:17:48 Mark Perea, Self

01:19:16 Janet Cunningham, Self

01:20:33 Myrna Summers, Self

Opponents' Testimony:

01:21:03 Rachel Carroll Rivas, Montana Human Rights Network (MHRN)

01:23:33 John Eck, Self

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:54 Rep. Kelker

01:31:06 Helen Thigpen, Legislative Services Division (LSD)

[EXHIBIT\(juh41a14\)](#)

01:31:38 Rep. Eck

01:32:15 Mark Perea, Self

01:33:08 Rep. Eck

01:33:17 Mark Perea, Self

01:33:26 Rep. Eck

01:33:57 John Eck, Self

01:35:55 Rep. Hess

01:36:39 Rep. Pinocci

01:37:35 Rep. Hess

01:37:49 Rep. Pinocci

01:38:21 Dan Happel, Self

01:39:23 Rep. Kelker

01:40:22 Rep. Pinocci
01:40:53 Rep. Court
01:41:11 Rep. Regier left the meeting.
01:41:19 Dan Happel, Self
01:41:42 Rep. Court
01:41:54 Dan Happel, Self
01:42:21 Rep. Court
01:43:31 Chair J. Bennett
01:43:35 Dan Happel, Self
01:44:27 Rep. Court
01:44:30 Rep. Manzella
01:46:40 Dan Happel, Self
01:47:55 Rep. Kelker
01:48:54 Rep. Pinocci
01:49:35 Rep. Kelker
01:49:42 Dan Happel, Self
01:49:48 Rep. Kelker
01:50:13 Dan Happel, Self
01:51:33 Rep. Fiscus
01:52:20 John Eck, Self
01:55:06 Chair J. Bennett
01:55:20 Rep. Fiscus
01:55:28 Chair J. Bennett
01:55:39 Rep. MacDonald
01:56:08 Rep. Pinocci
01:56:10 Rep. MacDonald
01:56:36 Rep. Eck
01:57:56 Dan Happel, Self
01:58:35 Rep. Doane
01:58:59 Rep. Pinocci
01:59:04 Rep. Doane
01:59:12 Rep. Pinocci
01:59:22 Dan Happel, Self
01:59:31 Rep. Doane
01:59:41 Dan Happel, Self

Closing by Sponsor:

02:00:00 Rep. Pinocci

02:00:56 Chair J. Bennett

02:02:32 Recessed
02:43:38 Reconvened

02:43:39 Chair J. Bennett

EXECUTIVE ACTION ON HB 397

02:44:57 **Motion:** Rep. Doane moved that **HB 397 DO PASS.**

Discussion:

02:45:05 Helen Thigpen, LSD

[EXHIBIT\(juh41a15\)](#)

[EXHIBIT\(juh41a16\)](#)

02:45:36 **Motion:** Rep. Doane moved that **HB 397 BE AMENDED.**

Discussion:

02:45:50 Helen Thigpen, LSD

02:48:49 Rep. Wagoner

02:49:08 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers and Rep. Regier voted by proxy.

02:49:25 **Motion/Vote:** Rep. Doane moved that **HB 397 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Rep. Meyers and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 398

02:49:58 **Motion:** Rep. Doane moved that **HB 398 DO PASS.**

Discussion:

02:50:04 Helen Thigpen, LSD

02:50:30 Rep. MacDonald

02:50:59 **Substitute Motion/Vote:** Rep. Wagoner made a substitute motion that **HB 398 BE TABLED.** Substitute Motion carried unanimously by voice vote. Rep. Meyers and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 443

02:51:36 **Motion:** Rep. Doane moved that **HB 443 DO PASS.**

Discussion:

02:51:41 Helen Thipen, LSD

02:51:58 Rep. Eck

02:52:24 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 444

02:53:20 **Motion:** Rep. Doane moved that **HB 444 DO PASS.**

Discussion:

02:53:24 Helen Thigpen, LSD

[EXHIBIT\(juh41a17\)](#)

[EXHIBIT\(juh41a18\)](#)

02:54:10 **Motion:** Rep. Doane moved that **HB 444 BE AMENDED.**

Discussion:

02:54:19 Helen Thigpen, LSD

02:55:12 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers and Rep. Regier voted by proxy.

02:55:28 **Motion:** Rep. Doane moved that **HB 444 DO PASS AS AMENDED.**

02:55:29 **Motion:** Rep. Doane moved that **HB 444 BE AMENDED.**

Discussion:

02:55:32 Helen Thigpen, LSD

02:55:43 Rep. Regier joined the meeting.

02:56:16 Rep. Eck

02:56:34 Rep. Eck

02:56:37 Helen Thigpen, LSD

02:56:47 Rep. Eck

02:56:58 Helen Thigpen, LSD

02:57:21 Rep. MacDonald

02:57:44 Helen Thigpen, LSD

02:58:07 **Vote:** Motion carried 17-4 by roll call vote with Rep. Eck, Rep. Hill, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Meyers voted by proxy.

02:59:09 **Motion/Vote:** Rep. Doane moved that **HB 444 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 445

02:59:50 **Motion:** Rep. Doane moved that **HB 445 DO PASS.**

Discussion:

02:59:55 Helen Thigpen, LSD

[EXHIBIT\(juh41a19\)](#)

03:00:15 **Motion:** Rep. Doane moved that **HB 445 BE AMENDED.**

[EXHIBIT\(juh41a20\)](#)

Discussion:

03:00:38 Helen Thigpen, LSD

03:00:56 Without objection, Rep. Doane withdrew the **BE AMENDED** motion.

03:00:57 **Motion:** Rep. Doane moved that **HB 445 BE AMENDED**.

Discussion:

03:01:14 Helen Thigpen, LSD

03:01:54 Rep. Regier

03:02:06 Helen Thigpen, LSD

03:02:15 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers voted by proxy.

03:02:27 **Motion:** Rep. Doane moved that **HB 445 DO PASS AS AMENDED**.

Discussion:

03:02:40 Rep. Person

03:03:54 Chair J. Bennett

03:04:17 **Vote:** Motion carried 17-3 by voice vote with Rep. Eck, Rep. Pease-Lopez and Rep. Person voting no. Rep. Meyers was excused.

EXECUTIVE ACTION ON HB 446

03:04:42 **Motion:** Rep. Doane moved that **HB 446 DO PASS**.

Discussion:

03:04:51 Helen Thigpen, LSD

03:05:05 Rep. Wagoner

03:05:23 Rep. Hill

03:05:59 Rep. Pinocci

03:06:14 Rep. Person

03:07:32 Rep. Fiscus

03:08:05 Rep. McConnell

03:08:50 Chair J. Bennett

03:09:12 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 492

03:10:05 **Motion:** Rep. Doane moved that **HB 492 DO PASS.**

Discussion:

03:10:11 Helen Thigpen, LSD

03:10:25 Chair J. Bennett

03:10:30 Rep. MacDonald

03:11:25 Rep. Pease-Lopez

03:11:58 Rep. Manzella

03:12:13 **Substitute Motion/Vote:** Rep. Court made a substitute motion that **HB 492 BE TABLED.** Substitute Motion carried 16-5 by voice vote with Rep. Doane, Rep. Eck, Rep. Fiscus, Rep. Hill and Rep. Meyers voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 497

03:13:16 **Motion:** Rep. Doane moved that **HB 497 DO PASS.**

Discussion:

03:13:22 Helen Thigpen, LSD

03:14:07 Rep. Hill

03:14:11 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Meyers voted by proxy.

03:14:59 **Motion/Vote:** Rep. Doane moved that **HB 497 BE TABLED.** Motion carried unanimously by voice vote. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 505

03:15:24 **Motion:** Rep. Doane moved that **HB 505 DO PASS.**

Discussion:

03:15:29 Helen Thigpen, LSD

[EXHIBIT\(juh41a21\)](#)

03:15:45 **Motion:** Rep. Doane moved that **HB 505 BE AMENDED.**

Discussion:

03:15:56 Rep. Wagoner

03:16:57 Rep. Monforton

03:17:25 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers voted by proxy.

03:17:39 **Motion:** Rep. Doane moved that **HB 505 DO PASS AS AMENDED.**

Discussion:

03:17:47 Rep. Eck
03:18:11 Rep. Court
03:18:27 Rep. Monforton
03:18:38 Rep. Court
03:18:48 Rep. Hill

03:19:20 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 533

03:20:09 **Motion:** Rep. Doane moved that **HB 533 DO PASS.**

Discussion:

03:20:20 Helen Thigpen, LSD
EXHIBIT(juh41a22)

03:20:59 **Motion:** Rep. Doane moved that **HB 533 BE AMENDED.**

Discussion:

03:21:08 Rep. Wagoner
03:21:34 Rep. Doane
03:21:59 Rep. Wagoner
03:22:31 Rep. Doane
03:22:39 Rep. Wagoner
03:22:50 Chair J. Bennett
03:23:10 Rep. Court
03:23:38 Rep. Wagoner
03:23:47 Rep. Court
03:23:58 Rep. Wagoner

03:24:07 **Vote:** Motion carried 19-2 by roll call vote with Rep. McConnell and Rep. Person voting no. Rep. Meyers voted by proxy.

03:25:05 **Motion:** Rep. Doane moved that **HB 533 DO PASS AS AMENDED.**

Discussion:

03:25:13 Rep. Wagoner
03:25:35 Rep. Court
03:26:01 Rep. Pinocci
03:26:27 Rep. Hill
03:27:32 Rep. Doane
03:27:38 Rep. Hill
03:27:54 Rep. MacDonald
03:28:55 Rep. Doane
03:29:23 Rep. Regier

03:29:34 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 581

03:30:23 **Motion:** Rep. Doane moved that **HB 581 DO PASS.**

Discussion:

03:30:30 Helen Thipgne, LSD

03:30:50 Rep. McConnell

03:31:10 Rep. MacDonald

03:31:26 Rep. Fiscus

03:32:11 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 583

03:32:57 **Motion:** Rep. Doane moved that **HB 583 DO PASS.**

Discussion:

03:33:06 Helen Thigpen, LSD

03:33:51 **Motion:** Rep. Doane moved that **HB 583 BE AMENDED.**

Discussion:

03:34:14 Helen Thigpen, LSD

03:34:43 Chair J. Bennett

03:35:00 Rep. Pinocci

03:35:24 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

03:36:22 **Motion:** Rep. Doane moved that **HB 583 DO PASS AS AMENDED.**

Discussion:

03:36:36 Rep. Eck

03:37:46 Rep. Kelker

03:38:35 Rep. Pinocci

03:39:39 Rep. Person

03:40:09 Rep. Pinocci

03:40:41 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hess, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 584

03:41:37 **Motion:** Rep. Doane moved that **HB 584 DO PASS.**

Discussion:

03:41:49 Helen Thigpen, LSD

03:42:09 Rep. Pinocci

03:42:39 Rep. Fiscus

03:43:09 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

03:44:00 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:45:02

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh41aad.pdf](#))